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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

Case No.: 06-12618 (JMP)

In re:

Chapter 11

THE NEW YORK RACING ASSOCIATION, INC.,

Debtor.

**EUGENIA AYUSO, FABIAN CABRALES, RICHARD GAZER AND DONALDO
MACK'S STATEMENT OF ISSUES ON APPEAL AND DESIGNATION OF THE
RECORD ON APPEAL FROM THE FINAL ORDER OF THE UNITED STATES
BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

Pursuant to Federal Rule of Bankruptcy Procedure 8006, Eugenia Ayuso, Fabian Cabrales, Richard Gazer and Donaldo Mack ("Appellants"), by and through their counsel, hereby submit their Statement of Issues on Appeal and Designation of the Record on Appeal in connection with their Notice of Appeal filed March 17, 2008 (Docket No. 960) in the above-captioned proceeding:

STATEMENT OF ISSUES ON APPEAL

The following are issues on appeal:

1. Whether the Bankruptcy Court erred as a matter of law in denying Appellants the right to file individual Proofs of Claim?
2. Whether the Bankruptcy Court erred in denying Appellants' Motions for Leave to File Late Proofs of Claim, where Appellants were known creditors, and it was undisputed that they had not received actual notice of the Claims Bar Date?

DESIGNATION OF THE RECORD ON APPEAL

The following items are to be included in the record on appeal:

<u>RECORD NUMBER</u>	<u>FILING DATE</u>	<u>DOCKET NUMBER</u>	<u>DOCKET TEXT</u>
1	11/06/2007	608	Notice of Objection to Claims/ <i>Notice of Debtor's Second Omnibus Objection to Proofs of Claim</i> filed by Brian S. Rosen on behalf of The New York Racing Association Inc..with hearing to be held on 12/12/2007 at 10:00 AM at Courtroom 601 (JMP) Objections due by 11/30/2007, (Rosen, Brian) (Entered: 11/06/2007)
2	11/29/2007	701	Opposition to <i>Second Omnibus Objection to Proofs of Claim</i> (related document(s) <u>608</u>) filed by Pamela J. Eisner on behalf of Mario Etchemendy. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Certificate of Service) (White, Greg) (Entered: 11/30/2007)
3	12/17/2007	763	Response/Reply of <i>The New York Racing Association Inc. to Opposition of Creditor Mario Etchemendy, on Behalf of Himself and as Class Representative of all Other Employees Similarly Situated to Debtor's Second Omnibus Objection to Proofs of Claim and Motion to Estimate Claim Number 579</i> (related document(s) <u>701</u> , <u>608</u>) filed by Brian S. Rosen on behalf of The New York Racing Association Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D) (Rosen, Brian) (Entered: 12/17/2007)
4	12/27/2007	807	Sur-Reply to Motion to <i>Expunge FLSA claims</i> filed by Neil M. Frank on behalf of Mario Etchemendy. (Attachments: # <u>1</u> Exhibit Affidavit of Mario Etchemendy# <u>2</u> Exhibit Retainer Agreements# <u>3</u> Exhibit Additional Affidavits) (Frank, Neil) (Entered: 12/27/2007)
5	12/26/2007	815	Transcript of <i>Hearing Held on December 20, 2007 At 10:10 AM, Re: Debtor's First Omnibus Objection to Proofs of Claim Regarding Claim No.</i>

			33 Filed By NYC Water Board and Claim No. 482 Filed by NYC Department of Finance, etc... filed by Veritext, LLC. (Braithwaite, Kenishia) (Entered: 01/02/2008)
6	01/09/2008	831	Reply to Motion/Reply of the New York Racing Association Inc. In Further Support of Objection to Etchemendy Claim filed by Brian S. Rosen on behalf of The New York Racing Association Inc.. (Attachments: # <u>1</u> Exhibit A) (Rosen, Brian) (Entered: 01/09/2008)
7	01/22/2008	860	Order Granting Debtors Second Omnibus Objection to Proofs of Claim with Respect to Claim 579 Filed on Behalf of Mario Etchemendy (Related Doc # <u>608</u>) signed on 1/22/2008 (White, Greg) (Entered: 01/22/2008)
8	01/22/2008	878	Transcript Of Hearing Held on January 11, 2008 At 10:37 AM, Re: Debtor's Second Omnibus Objection to Proofs of Claim Regarding Proof of Claim Nos. 495, 432, 579 And 627 filed by Veritext, LLC (Braithwaite, Kenishia) (Entered: 01/29/2008)
9	2/20/2008	913	Emergency Motion to File Proof of Claim After Claims Bar Date for Eugenia Ayuso and Fabian Cabrales filed by Neil M. Frank on behalf of Mario Etchemendy. (Attachments: # <u>1</u> Exhibit Affidavit of Eugenia Ayuso# <u>2</u> Exhibit Exhibit A to Ayuso Affidavit# <u>3</u> Exhibit Exhibit A to Ayuso Affidavit# <u>4</u> Exhibit Exhibit A to Ayuso Affidavit# <u>5</u> Exhibit Exhibit A to Ayuso Affidavit# <u>6</u> Exhibit Exhibit B to Ayuso Affidavit# <u>7</u> Exhibit Exhibit B to Ayuso Affidavit# <u>8</u> Exhibit Exhibit B to Ayuso Affidavit# <u>9</u> Exhibit Exhibit B to Ayuso Affidavit# <u>10</u> Exhibit Exhibit C to Ayuso Affidavit# <u>11</u> Exhibit Cabrales Affirmation# <u>12</u> Exhibit Exhibit A to Cabrales Affidavit# <u>13</u> Exhibit Exhibit A to Cabrales Affidavit# <u>14</u> Exhibit Exhibit A to Cabrales Affidavit# <u>15</u> Exhibit Exhibit B to Cabrales Affidavit) (Frank, Neil) (Entered: 02/20/2008)

10	02/21/2008	916	02/20/2008) Order to Show Cause Signed on 2/21/2008 to Consider the Emergency Motion of Eugenia Ayuso and Fabian Cabrales for Entry of an Order Extending the Claims Bar Date to Permit Late Filing of Proofs of Claim. The Hearing Will Be Held On 2/29/2008 at 2:00 PM in Courtroom 601. (related document(s) <u>913</u>) (Nulty, Lynda) (Entered: 02/21/2008)
11	02/21/2008	917	Emergency Motion to File Proof of Claim After Claims Bar Date <i>Revised on behalf of Eugenia Ayuso, Fabian Cabrales, Richard Gazer and Donald Mack</i> filed by Neil M. Frank on behalf of Mario Etchemendy. with hearing to be held on 2/29/2008 at 02:00 PM at Courtroom 601 (JMP) Objections due by 2/29/2008, (Attachments: # <u>1</u> Supplement Affidavit of Eugenia Ayuso# <u>2</u> Exhibit Exhibit A to Ayuso Affidavit# <u>3</u> Exhibit Exhibit A to Ayuso Affidavit# <u>4</u> Exhibit Exhibit A to Ayuso Affidavit# <u>5</u> Exhibit Exhibit A to Ayuso Affidavit# <u>6</u> Exhibit Exhibit B to Ayuso Affidavit# <u>7</u> Exhibit Exhibit B to Ayuso Affidavit# <u>8</u> Exhibit Exhibit B to Ayuso Affidavit# <u>9</u> Exhibit Exhibit B to Ayuso Affidavit# <u>10</u> Exhibit Exhibit C to Ayuso Affidavit# <u>11</u> Supplement Affidavit of Fabian Cabrales# <u>12</u> Exhibit Exhibit A to Cabrales Affidavit# <u>13</u> Exhibit Exhibit A to Cabrales Affidavit# <u>14</u> Exhibit Exhibit A to Cabrales Affidavit# <u>15</u> Exhibit Exhibit B to Cabrales Affidavit# <u>16</u> Supplement Affidavit of Richard Gazer# <u>17</u> Supplement Affidavit of Donald Mack) (Frank, Neil) (Entered: 02/21/2008)
12	02/28/2008	927	Objection to Motion/ <i>Objection of the New York Racing Association Inc. to Emergency Motions of Eugenia Ayuso, Fabian Cabrales, Richard Gazer, Antonio Garcia and Donald Mack for the Entry of an Order Extending the Claims Bar Date and to Permit Late</i>

			<i>Filing of Proofs of Claim</i> (related document(s) <u>913</u> , <u>917</u>) filed by Brian S. Rosen on behalf of The New York Racing Association Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F) (Rosen, Brian) (Entered: 02/28/2008)
13	03/07/2008	951	Order Signed on 3/7/2008 Denying the Emergency Motions of Eugenia Ayuso, Fabian Cabrales, Richard Gazer, Antonio Garcia and Donaldo Mack for the Entry of an Order Extending the Claims Bar Date and to Permit Late filings of Proofs of Claim. (Related Doc # <u>913</u> , <u>917</u>) (Nulty, Lynda) (Entered: 03/07/2008)
14	03/17/2008	960	Notice of Appeal filed by Neil M. Frank on behalf of Mario Etchemendy. (Attachments: # <u>1</u> Supplement Notice of Appeal Page 2) (Frank, Neil) \$255.00 Filing fee Paid, Receipt Number 175307. Modified on 3/18/2008 (Porter, Minnie). (Entered: 3/17/2008)
15	3/26/2008	971	<i>Transcript of Hearing Held on February 29, 2008 Re: Various Motions Before The Honorable James M. Peck</i> filed by Neil M. Frank on behalf of Mario Etchemendy (Frank, Neil)

Dated: Farmingdale, New York
March 26, 2008

FRANK & ASSOCIATES, P.C.
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